

ZB# 85-30

Michael Sotland

4-3-11

85-30 - Scotland, Michael - use variance

Prelim.
7/8/85.

Public Hearing:
Aug. 12th

notice to
Sentinel -
7/19/85. -

CRPD to be
notified

Use
Variances
Granted
on 8/12/85.

General Receipt

6719

TOWN OF NEW WINDSOR

555 Union Avenue
New Windsor, N. Y. 12550

Received of

Picknick Caterers

\$ *50.00*

DOLLARS

For

3 B.A. Application Fee - 85-30

DISTRIBUTION:

FUND	CODE	AMOUNT
<i>Cheek 50.00</i>		
<i>#2190</i>		

By

Pauline J. Townsend
Town Clerk

Title

Williamson Law Book Co., Rochester, N. Y. 14609

4-3-11

TOWN OF NEW WINDSOR
ZONING BOARD OF APPEALS

APPLICATION FOR VARIANCE OR SPECIAL PERMIT

85-30

Date: _____

I. ✓ Applicant Information:

New York 12550

- (a) Michael and Steven Sotland, 17 Hearthstone Way, New Windsor, /
(Name, address and phone of Applicant) (~~Owner~~)
- (b) _____
(Name, address and phone of purchaser or lessee)
- (c) David L. Levinson, Esq., P.O. Box 244, Central Valley, New York, 10917
(Name, address and phone of attorney)
- (d) _____
(Name, address and phone of broker)

II. ✓ Application type:

- ☒ (2) Use Variance ☐ Sign Variance
- ☒ (1) Area Variance ☐ Special Permit

III. ✓ Property Information:

- (a) PI Temple Hill Road 4-3-11 .9 ACRES
(Zone) (Address) (S B L) (Lot size)
- (b) What other zones lie within 500 ft.? -0-
- (c) Is a pending sale or lease subject to ZBA approval of this application? Yes
- (d) When was property purchased by present owner? 1907/1934
- (e) Has property been subdivided previously? No When? _____
- (f) Has property been subject of variance or special permit previously? No When? _____
- (g) Has an Order to Remedy Violation been issued against the property by the Zoning Inspector? No on information and belief
- (h) Is there any outside storage at the property now or is any proposed? Describe in detail: No

IV. (2) Use Variances

- (a) Use Variance requested from New Windsor Zoning Local Law, Section PI, Table of 48-9 Regs., Col. 7, to allow:
(Describe proposal)
To use existing home for restaurant and existing garage
for food preparation for off premises catering

- (b) The legal standard for a "Use" variance is unnecessary hardship. Describe why you feel unnecessary hardship will result unless the use variance is granted. Also set forth any efforts you have made to alleviate the hardship other than this application.

Old home located in PI zone; not suitable for residence
due to commercial nature of surroundings; restaurant
use will enable owner to preserve historic structure;
existing garage to be used as kitchen for off premises
catering

V. Area variance:

- (a) Area variance requested from New Windsor Zoning Local Law, Section 48-12, Table of Bulk. Regs., Col. ?

Requirements	Proposed or Available	Variance Request
Min. Lot Area		
Min. Lot Width		
Reqd. Front Yd.		
Reqd. Side Yd. <u>15/40</u>	<u>0 / 40</u>	<u>0 / 40</u>
Reqd. Rear Yd.		
Reqd. Street Frontage*		
Max. Bldg. Hgt.		
Min. Floor Area*		
Dev. Coverage* <u>%</u>	<u>%</u>	<u>%</u>
Floor Area Ratio**		

* Residential Districts only

** Non-residential districts only

- (b) The legal standard for an "AREA" variance is practical difficulty. Describe why you feel practical difficulty will result unless the area variance is granted. Also, set forth any efforts you have made to alleviate the difficulty other than this application.

Existing structure serving as garage. Applicant intends
to use for off premises catering, structure on property
line to be restored and used; no practical use except
destruction.

VI. Sign Variance:

- (a) Variance requested from New Windsor Zoning Local Law, Section _____, Table of _____ Regs., Col. _____.

	Requirements	Proposed or Available	Variance Request
Sign 1			
Sign 2			
Sign 3			
Sign 4			
Sign 5			
Total	_____ sq.ft.	_____ sq.ft.	_____ sq.ft.

- (b) Describe in detail the sign(s) for which you seek a variance, and set forth your reasons for requiring extra or oversize signs.

- (c) What is total area in square feet of all signs on premises including signs on windows, face of building, and free-standing signs?

VII. Special Permit:

- (a) Special Permit requested under New Windsor Zoning Local Law, Section _____, Table of _____ Regs., Col. _____.
- (b) Describe in detail the use and structures proposed for the special permit.

VIII. Additional comments:

- (a) Describe any conditions or safeguards you offer to ensure that the quality of the zone and neighboring zones is maintained or upgraded and that the intent and spirit of the New Windsor Zoning Local Law is fostered. (Trees, landscaping, curbs, lighting, paving, fencing, screening, sign limitations, utilities, drainage.)

Quality of zone will be preserved use of premises
will bring dignity to property

IX. Attachments required:

- ☒ Copy of letter of referral from Bldg./Zoning Inspector.
- ☒ Copy of tax map showing adjacent properties.
- ☒ Copy of contract of sale, lease or franchise agreement.
- ☒ Copy(ies) of site plan or survey showing the size and location of the lot, the location of all buildings, facilities, utilities, access drives, parking areas, trees, landscaping, fencing, screening, signs, curbs, paving and streets within 200 ft. of the lot.
- ☒ Copy(ies) of sign(s) with dimensions.
- ☒ Check in the amount of \$ 50.00 payable to TOWN OF NEW WINDSOR.
- ☒ Photos of existing premises which show all present signs and landscaping.

X. AFFIDAVIT

Date

7/18/85

STATE OF NEW YORK)
COUNTY OF ORANGE)

SS.:

The undersigned Applicant, being duly sworn, deposes and states that the information, statements and representations contained in this application are true and accurate to the best of his knowledge or to the best of his information and belief. The applicant further understands and agrees that the Zoning Board of Appeals may take action to rescind any variance or permit granted if the conditions or situation presented herein are materially changed.



(Applicant)

Sworn to before me this

18th

day of July

1985


DAVID L. LEVINSON

Notary Public, State of New York

Residing in Orange County

My Commission Expires March 30, 1987

XI. ZBA Action:

(a) Public Hearing date _____

(b) Variance is _____

Special Permit is _____

(c) Conditions and safeguards: _____

A FORMAL DECISION WILL FOLLOW
WHICH WILL BE ADOPTED BY
RESOLUTION OF ZONING BOARD OF APPEALS.

ZONING BOARD OF APPEALS
TOWN OF NEW WINDSOR

-----x

In the Matter of the Application of

DECISION GRANTING
USE VARIANCES

MICHAEL SOTLAND, STEVEN SOTLAND
and WARREN SLOAN,

#85-30.

-----x

WHEREAS, MICHAEL SOTLAND and STEVEN SOTLAND of 17 Hearthstone Way, New Windsor, New York, and WARREN SLOAN, R. D. 2, Temple Hill Road, New Windsor, N. Y. (owner), have made application before the Zoning Board of Appeals for use variances for the purposes of:

Converting existing residential dwelling to a restaurant and existing garage for food preparation for off-premises catering;

WHEREAS, a public hearing was held on the 12th day of August, 1985 at the Town Hall, 555 Union Avenue, New Windsor, New York; and

WHEREAS, applicants appeared by their attorney, David L. Levinson, Esq., P. O. Box 244, Central Valley, New York, 10917; and

WHEREAS, the application was unopposed; and

WHEREAS, the Zoning Board of Appeals of the Town of New Windsor makes the following findings of fact in this matter:

1. The notice of public hearing was duly sent to residents and businesses as prescribed by law and published in The Sentinel, also as required by law.

2. The evidence shows that applicants propose to use the existing premises for restaurant and existing garage for food preparation for off premises catering.

3. The evidence shows that proposed use is presently located in a Planned Industrial (PI) zone.

WHEREAS, the Zoning Board of Appeals of the Town of New Windsor makes the following findings of law in this matter:

1. The evidence indicates that the aforesaid circumstances or conditions are such that the strict application of the provisions of the local law would deprive the applicant of the reasonable use of such land or building.

2. The evidence indicates that the plight of the applicant is due to unique circumstances and not to general conditions suffered by other persons within the same zone.

3. The evidence shows that the application as presented does not alter the essential character of the neighborhood.

NOW, THEREFORE, BE IT

RESOLVED, that the Zoning Board of Appeals of the Town of New Windsor GRANTS use variances as applied for by the applicants in accordance with plans submitted and dated 7/5/85.

BE IT FURTHER,

RESOLVED, That the Secretary of the Zoning Board of Appeals of the Town of New Windsor transmit a copy of this decision to the Town Clerk, Town Planning Board and the applicant.

Dated: September 9, 1985.

Chairman

cc: David L. Levinson, Esq.

Pat.

**PUBLIC NOTICE OF HEARING
BEFORE
ZONING BOARD OF APPEALS
TOWN OF NEW WINDSOR**
PLEASE TAKE NOTICE that the
Zoning Board of Appeals of the
TOWN OF NEW WINDSOR, New
York will hold a Public Hearing
Pursuant to Section 48-34A of the
Zoning Ordinance on the follow-
ing proposition:
Appeal No. 30
Request of MICHAEL SOT-
LAND/STEVEN SOTLAND
and WARREN SLOAN for a
VARIANCE of the regulations
of the Zoning Ordinance to per-
mit operation of restaurant use
in P1 zone and area variance to
permit use of existing garage
for kitchen purposes being a
VARIANCE of Section 48-9
Table of Use Regulations Col.
A Section 48-12 Table of Bulk
Regs. Col. 7 for property situa-
ted as follows:
Temple Hill Road, New Wind-
sor, N.Y., known and desig-
nated as tax lot Section 4-Block
34 Lot 11.
SAID HEARING will take place
on the 12th day of August, 1985,
at the New Windsor Town Hall,
555 Union Avenue, New Windsor,
N.Y. beginning at 7:30 o'clock
p.m.
DANIEL P. KONKOL
Chairman
By Patricia Delio
Secretary

State of New York

County of Orange, ss:

Everett W Smith, being duly sworn
disposes and says that he is
Publisher of the E.W. Smith
Publishing Company, Inc. publisher
of The Sentinel, a weekly newspaper
published and of general circulation
in the Town of New Windsor, and that
the notice of which the annexed is
a true copy was published once

in said newspaper, commencing on
the 25th day of July A.D., 1985
and ending on the 25th day of July
A.D. 1985

Subscribed and shown to before me

this 29th day of Jan., 1986.

Patricia Delio

Notary Public of the State of New York
County of Orange.

My commission expires 3/30/87

PATRICIA DELIO
NOTARY PUBLIC, State of New York
No. 5970775
Qualified in Orange County
Commission Expires March 30, 1987.



TOWN OF NEW WINDSOR

555 UNION AVENUE
NEW WINDSOR, NEW YORK

August 13, 1985

1763

David L. Levinson, Esq.
P. O. Box 244
Central Valley, N. Y. 10917

RE: APPLICATION FOR USE VARIANCES - #85-30
SLOAN/SOTLAND

Dear Mr. Levinson:

This is to confirm that a public hearing was held regarding the above-entitled application before the Zoning Board of Appeals. The Board voted to GRANT the request for use variances at the August 12, 1985 meeting.

Formal decision will be drafted at a later date and acted upon by the Board. You will be receiving a copy by return mail.

Best regards.

Very truly yours,

PATRICIA DELIO
Secretary to Zoning Bd. of Appeals

/pd
cc: Town Building Inspector
Planning Board

INTER-OFFICE CORRESPONDENCE

TO: TOWN PLANNING BOARD
TOWN BUILDING/ZONING INSPECTOR BABCOCK

FROM: ZONING BOARD OF APPEALS

RE: PUBLIC HEARINGS BEFORE THE ZBA - August 12, 1985

DATE: July 30, 1985

Please be advised that the following public hearings will be heard before the Zoning Board of Appeals on the above date:

MC ADON, VINCENT - Frontyard variance

SLOAN/SOTLAND - Use/area variances

RYDLEWSKI, MICHAEL - Area variances

DIAMOND CANDLE, CO., INC. - Lot area variance

I have attached hereto copies of the pertinent applications together with public hearing notices which were published in The Sentinel.

Patricia Delio, Secretary
Zoning Board of Appeals

/pd

Attachments

Prelim. agenda
7/8/85 (5)

TOWN OF NEW WINDSOR
ORANGE COUNTY, N. Y.
OFFICE OF ZONING - BUILDING INSPECTOR

NOTICE OF DISAPPROVAL OF BUILDING PERMIT APPLICATION

File No.

Date *7/5/*, 19 *85*

To *MICHAEL P. SOTLAND - (contract purchases)*

PLEASE TAKE NOTICE that your application dated *7/5/*, 19 *85*

for permit to *CONVERT HOUSE INTO RESTAURANT*

at the premises located at *SEC-4-B-3-LOT 11*

NYS ROUTE 300 - TEMPLE HILL ROAD

is returned herewith and disapproved on the following grounds:

48-37 - NON CONFORMING USE

RESTAURANT IN PI ZONE

Michael P. Sobush
Building Inspector

8/12/85 - P.H. - Sloan/Sotland-

Name:	Address:
Thom Douvan	815 Blomire Grove Rd #516bbs
	CNN - local Window Historic Commission

STATE OF NEW YORK)

ss.:

COUNTY OF ORANGE)

Lisa Bacigalupi, being duly sworn, deposes and says:

I am not a party to the action, am over 18 years of age and reside at Central Valley, New York.

On July 30th, 1985, I served a true copy of the annexed Public Notice of Hearing in the following manner:

By mailing the same in a sealed envelope, certified mail, return receipt requested, with postage prepaid thereon, in a post-office or official depository of the U.S. Postal Service within the State of New York, addressed to the last known address of the addressees as indicated below:

Ganin Brothers
c/o Ganin Tire Co., Inc.
1421 38th Street
Brooklyn, New York 11212

✓ Crowley Foods, Inc.
P. O. Box 549
Binghamton, New York 13902

✓ The First National Bank of Highland
Rt 9W Milton Industrial Park
Milton, New York 12547

✓ Birk's Realty Inc.
53-59 Route 17K
Newburgh, New York 12550

✓ New Windsor Country Inn for
for Adults
270 Temple Hill Road
New Windsor, New York 12550

✓ The Coco-Cola Bottling
Company of New York, Inc.
20 Horseneck Lane, Box 1820
Greenwich, CT 06836

✓ Verla International Ltd.
P. O. Box 2562
Newburgh, New York 12550

✓ Automotive Brake Co. of
Newburgh, Inc.
300 Temple Hill Road
New Windsor, New York 12550

✓ Sarinsky's Garage, Inc.
Lorenzen, Robert E. & Betty J.
300 Temple Hill Road
New Windsor, New York 12550

✓ Infante, Anthony, Byron &
Philip J.
602 Union Avenue
New Windsor, New York 12550

Lisa Bacigalupi
Lisa Bacigalupi

Sworn to before me this
30th day of July, 1985

Lee Ann Bilsky
LEE ANN BILSKY
NOTARY PUBLIC, State of N.Y.
No. 4768028
Resident of Orange County
Commission Expires 3/30/86



1763

TOWN OF NEW WINDSOR

555 UNION AVENUE
NEW WINDSOR, NEW YORK

July 11, 1985

Mr. Michael Sotland
17 Hearthstone Way
New Windsor, N.Y.

RE: 4-3-11

Dear Mr. Sotland:

According to my records, the attached list of property owners are within five hundred (500) feet of the above mentioned property.

The charge for this service is \$25.00. Please remit same to the Town Clerk, Town of New Windsor.

Very truly yours,

A handwritten signature in cursive script that reads "Christian E. Jahrling".

CHRISTIAN E. JAHRLING IAO
SOLE ASSESSOR
Town of New Windsor



1763

TOWN OF NEW WINDSOR

555 UNION AVENUE
NEW WINDSOR, NEW YORK

10

Ganin Brothers
c/o Ganin Tire Co Inc
1421 38th. Street
Brooklyn NY 11212

The Coco-Cola Bottling Company
of New York Inc
20 Horseneck Lane Box 1820
Greenwich Ct 06836

Crowley Foods Inc
PO Box 549
Binghamton NY 13902

Verla International Ltd.
PO Box 2562
Newburgh NY 12550

The first National Bank of
Highland
Rt 9W Milton Industrial Park
Milton NY 12547

Automotive Brake Co of Newburgh Inc
300 Temple Hill Road
New Windsor NY 12550

Birk's Realty Inc
53-59 Route 17K
Newburgh NY 12550

Sarinsky's Garage Inc
Lorenzen Robert E & Betty J
300 Temple Hill Rd
New Windsor NY 12550

New Windsor Country Inn for Adults
270 Temple Hill Road
New Windsor NY 12550

Infante Anthony, Byron & Philip J
602 Union Ave
New Windsor NY 12550

PUBLIC NOTICE OF HEARING BEFORE
ZONING BOARD OF APPEALS
TOWN OF NEW WINDSOR

PLEASE TAKE NOTICE that the Zoning Board of Appeals of the TOWN OF NEW WINDSOR, New York will hold a Public Hearing pursuant to Section 48-34A of the Zoning Ordinance on the following proposition:

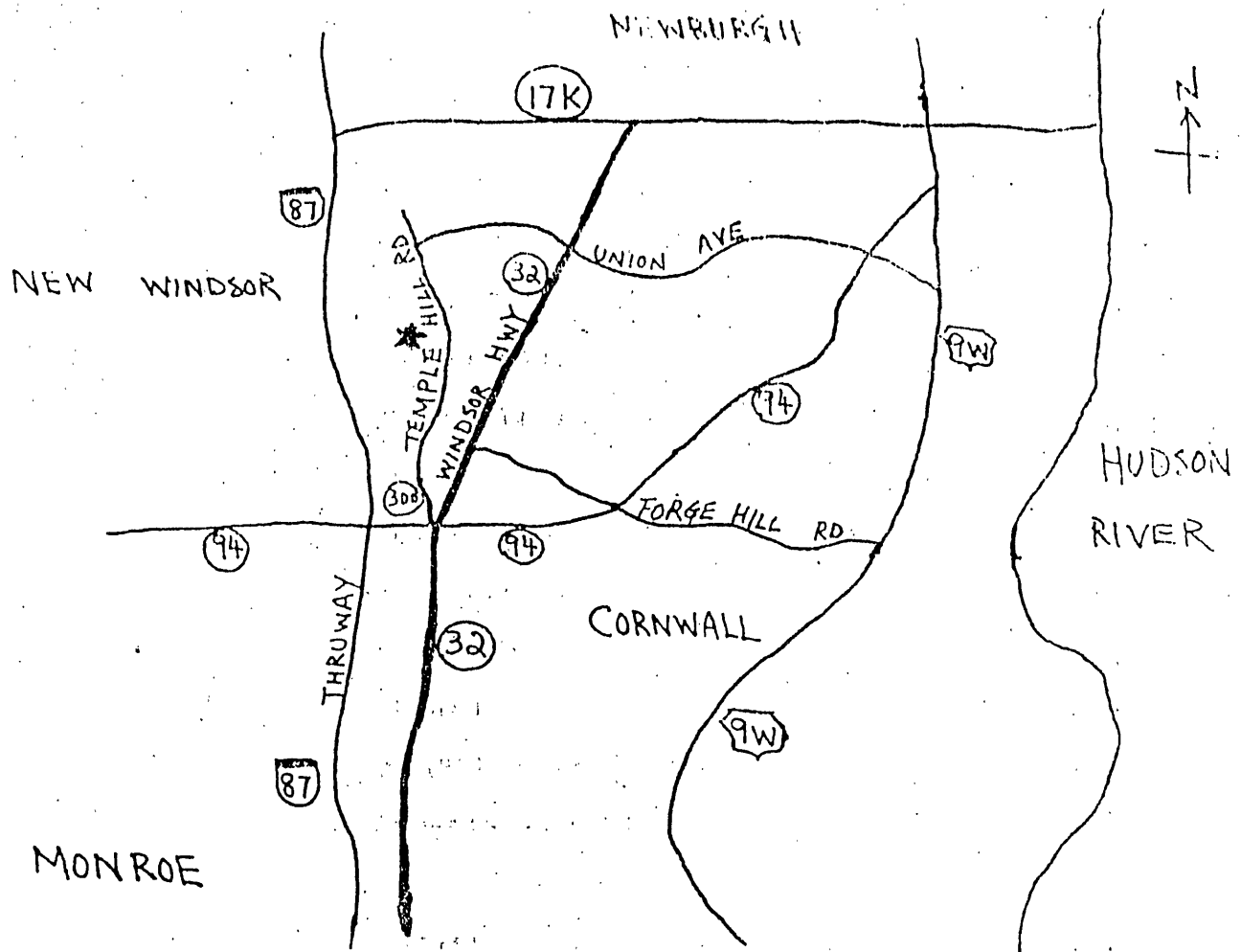
Appeal No. 30

Request of MICHAEL SOTLAND/STEVEN SOTLAND and WARREN SLOAN
/for a VARIANCE ~~SPECIAL PERMIT~~ of
the regulations of the Zoning Ordinance to
permit operation of restaurant use in PI zone
and area variance to permit use of existing garage
for kitchen purposes
/being a VARIANCE ~~SPECIAL PERMIT~~ of
Section 48-9 - Table of Use Regulations - Col. A
Section 48-12 - Table of Bulk Regs.-Col. 7
for property situated as follows:

Temple Hill Road, New Windsor, N. Y, known
and designated as tax lot Section 4-Block 3-
Lot 11.

SAID HEARING will take place on the 12th day of
August, 1985, at the New Windsor Town Hall,
555 Union Avenue, New Windsor, N. Y. beginning at
7:30 o'clock P. M.

DANIEL P. KONKOL
Chairman



1945

THIS AGREEMENT between Warren Sloan, residing at R.D. #2, Temple Hill Road, New Windsor, New York 12550 and Michael P. Sotland and Steven B. Sotland, residing at 17 Hearthstone Way, New Windsor, New York 12550.

THIS AGREEMENT shall supplement the contract entered into between the parties.

Notwithstanding anything contained to the contrary in the contract and/or rider annexed thereto the parties agree that the contract and sale of the premises is subject to the purchasers receiving Zoning Board approval for a restaurant. Purchasers shall have ninety (90) days to obtain said approval from the Zoning Board of Appeals and Planning Board of the Town of New Windsor.

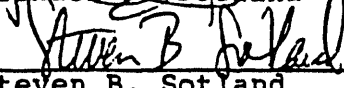
The seller, Warren Sloan, hereby consents to the purchasers making application to the Town of New Windsor Boards for the necessary approvals to operate the premises as a restaurant. Purchasers understand that the cost and expenses for such approval shall be theirs exclusively.

In the event purchasers are unable to obtain said approval within the time indicated purchasers shall be entitled to the return of their down payment.

Dated: June 16, 1985


Warren Sloan

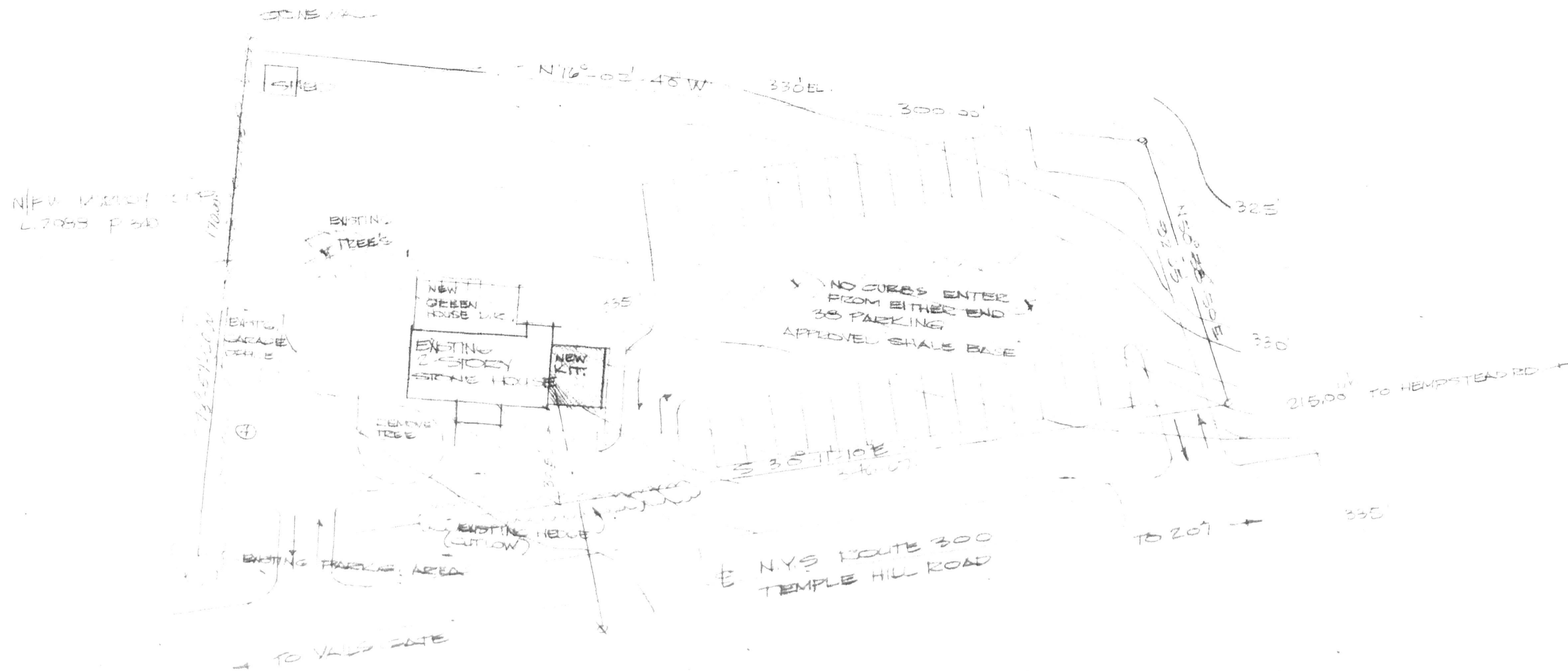

Michael P. Sotland


Steven B. Sotland

N/F BAWN SCOTCH
2.241, 2.255

TAX MAP DATA
SECTION 4
BLOCK 2
LOT 11

DEEDS & EASEMENTS
LIBRARY PAGE 27



SITE PLAN

SCALE 1\"/>

EXISTING HISTORIC STONE HOUSE
TO BE PRESERVED IN ALL OF ITS
INTEGRITY TO CREATE A WONDERFUL
DINING ATMOSPHERE.

LOT AREA 41369 SF
0.949 ACRES



SITE PLAN DATA
FROM SURVEY BY
PREPARED BY LS 49219
CATHERINE BRITANN RD.
NEW WINDSOR, NY 12550
JULY 85
7-5-85

RESTAURANT MEMORIAL
MCSEOTLAND
TEMPLE HILL RD NEW WINDSOR NY

SITE PLAN
SCALE 1\"/>

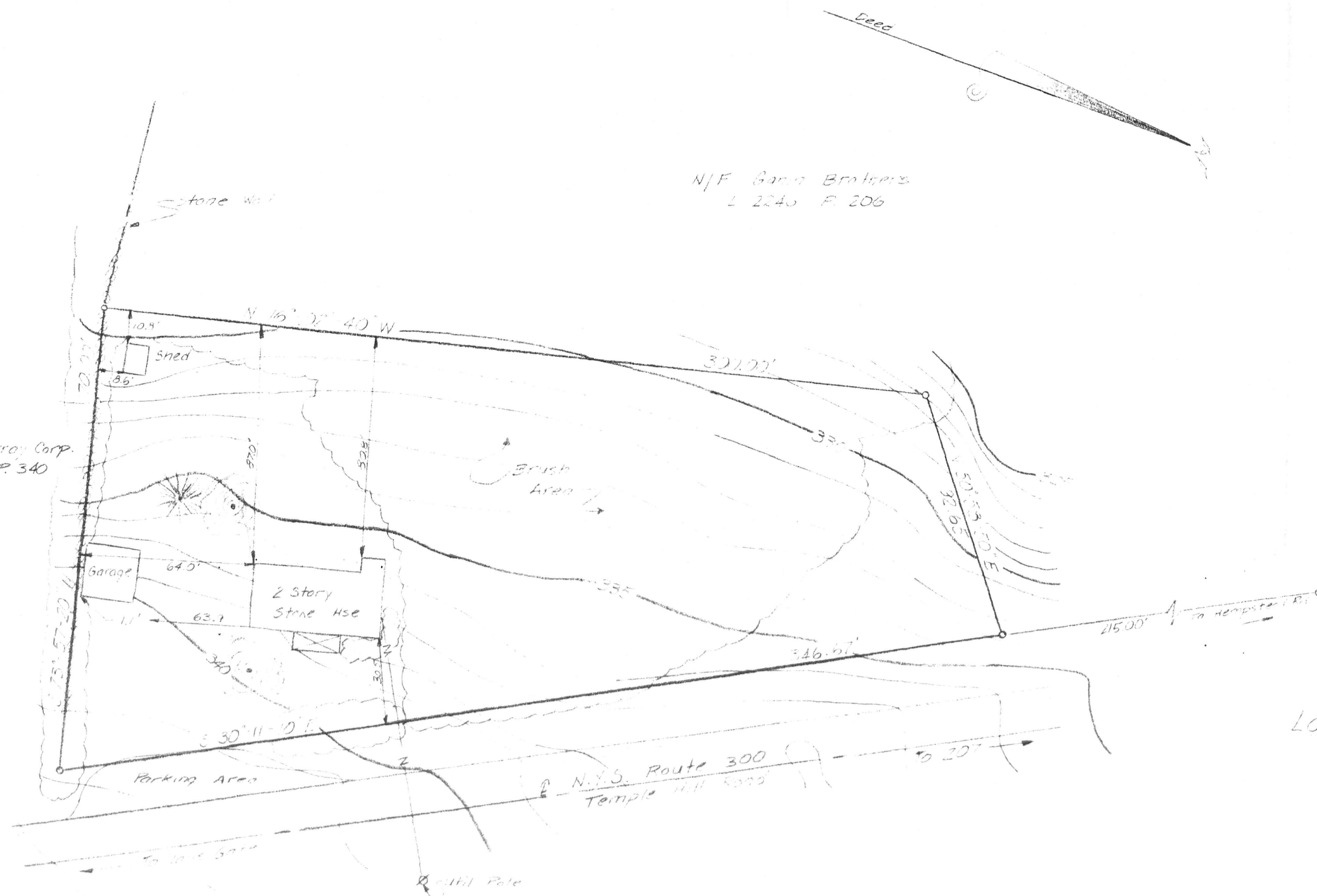
W.S. JESSUP ARCHITECT

N/E W. Murray Corp.
L. 2088 P. 340

N/E Garin Brothers
L. 2245 P. 206

Tax Map Data
Section 4
Block 3
Lot 10

Deed Reference
Liter 751 Page 87



Lot Area : 4,369 SF
0.349 Acres

To: Michael P. Sarnoff, Steven R. Sarnoff
Uster Savings Bank & American
Title Insurance Company of N.Y.
certified to be a correct and accurate survey
1 JULY, 1985



- Unauthorized alteration or addition to a survey not bearing a licensed land surveyor's seal is a violation of Section 2209, sub-section 1 of the Education Law.
- Only copies of the original of this survey may be produced for use in any court.
- Certification of this survey is made in accordance with the provisions of Section 2209, sub-section 1 of the Education Law. Also, I certify that I am a duly licensed land surveyor of the State of New York, and that I am not a partner, associate or employee of the person for whom this survey is prepared, and that I am not a partner, associate or employee of the person for whom this survey is prepared, and that I am not a partner, associate or employee of the person for whom this survey is prepared.
- Underground improvements or encroachments, if any, are not shown hereon.

Patrick T. Kennedy, L.S. 447 Little Britain Rd., New Windsor, New York 12553		
SCALE: 1" = 30'	APPROVED BY:	DRAWN BY:
DATE: June 25, 1985		REVISED:
Survey of Land for Michael P. Sarnoff Town of New Windsor Orange County, New York		
LIC. No. # 49219		DRAWING NUMBER 35-330